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**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SEAN RODNEY ORTH,

Petitioner - Appellant,

v.

WASHOE COUNTY SHERIFF'S
DEPARTMENT; et al.,

Respondents - Appellees.

No. 07-15789

D.C. No. CV-06-00271-LRH

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Nevada
Larry R. Hicks, District Judge, Presiding

Submitted November 13, 2007^{**}

Before: TROTT, W. FLETCHER, and CALLAHAN, Circuit Judges.

Former Nevada state pre-trial detainee Sean Rodney Orth appeals pro se from the district court's judgment denying his 28 U.S.C. § 2241 petition. We dismiss the appeal as moot.

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Orth contends that the district court erred in denying his § 2241 petition pursuant to abstention principles set forth in *Younger v. Harris*, 401 U.S. 37 (1971).

Subsequent to the district court's denial of his petition, Orth was tried and convicted. We conclude that Orth's conviction renders this appeal moot. *See Barker v. Estelle*, 913 F.2d 1433, 1440 (9th Cir. 1990) (petitioner's conviction moots challenge to pre-trial detention); *Burnett v. Lampert*, 432 F.3d 996, 999-1001 (9th Cir. 2005).

We decline to address Orth's further contentions regarding events following the preliminary hearing, because those claims were not raised before the district court. *See Sophanthavong v. Palmateer*, 378 F.3d 859, 872 (9th Cir. 2004).

DISMISSED.